

Meeting of 2002-10-8 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
OCTOBER 8, 2002 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell,                      Also Present:  
Presiding                      Bill Baker, City Manager  
   John Vincent, City Attorney  
   Brenda Smith, City Clerk  
   Col. Puckett, Fort Sill Liaison

The meeting was called to order at 6:47 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT:                      Randy Bass, Ward One  
   James Hanna, Ward Two  
   Glenn Devine, Ward Three  
   Robert Shanklin, Ward Five  
   Barbara Moeller, Ward Six  
   Stanley Haywood, Ward Seven  
   Michael Baxter, Ward Eight

ABSENT:    Amy Ewing-Holmstrom, Ward Four

AUDIENCE PARTICIPATION: None.

MOVED by Shanklin, SECOND by Baxter, to approve the Consent Agenda items as recommended with the exception of Items 2, 3, 9, and 10. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

1. Ratify the action of the Lawton Water Authority concerning the Waurika Lake Master Conservancy District (WLMCD) contract renewal. Exhibits: Letter. Action: Approved the option to hold an election and renew the current contract.

2. Consider ratifying the action of the City Attorney and City Manager and approve the Retainer Agreement for Professional and Legal Services with the law firm of Fagin, Brown, Bush, Tinney and Kiser and authorize the Mayor and City Clerk to sign the agreement. Action: Approval.

Shanklin asked how much money would be needed for this item. Vincent said it will be paid at \$135 per hour rather than on a percentage basis.

MOVED by Shanklin, SECOND by Baxter, to approve as written. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

3. Consider accepting the sanitary sewer and storm sewer improvements, a performance bond for sewer deflection test, and maintenance bonds for the Home Depot Store at 1202 NW 40<sup>th</sup> Street and releasing the existing easement and accepting a new easement for public and private utilities. Exhibits: Map.

Bob Bigham, Planning, said the contractor has put up money to cover incomplete improvements; staff recommendation is to accept the improvements but instead of the performance bond, accept an escrow agreement in lieu of completed improvements and the deflection test.

Bob McCaleb speaking for Home Depot commended the city staff in getting everyone to this point, while moving through one step at a time. He said, "we are finally there, we will close tomorrow".

MOVED by Shanklin, SECOND by Hanna, to accept the sewer improvements, performance and maintenance bonds and release existing easement and accept new easement. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

4. Consider issuing revocable permit to Cameron Baptist Church for the purpose of parking and maneuvering on

the SW 27<sup>th</sup> Street right-of-way. Action: Approval.

5. Consider approving an amendment to the Cooperative Agreement with the City Transit Trust authorizing the installation of signage, benches, shelters and transfer facilities on the City's real property, rights-of-ways and street easements by the City Transit Trust. Action: Approval.

6. Consider accepting the McMahon Auditorium Painting Project #2002-1 as constructed by RCJ Construction, Inc. and placing the Maintenance Bond into effect. Action: Approval.

7. Consider approving a Resolution authorizing the installation or removal of traffic control devices on Prentice, 17<sup>th</sup> St., 18<sup>th</sup> St., 19<sup>th</sup> St. and 20<sup>th</sup> St. at Ozmun; 1811 NW Lake; vicinity of McMahon Auditorium on Ferris Ave.; 915 NW Hilltop; SW 11<sup>th</sup> St. and "F" Ave.; Cherry, SW Coral at Boatsman; SW 16<sup>th</sup> St. at "J" Ave.; 702 NW 35<sup>th</sup> Place; NW 15<sup>th</sup> St. and NW 12<sup>th</sup> St. at Bell. Exhibits: Resolution No. 02-183.

(Title) Resolution No. 02-183

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

8. Consider denying requests for traffic control devices on the 4800 block of NW Hoover Ave.; Denver eastbound off of 6<sup>th</sup> St.; Coral at Boatsman; Crystal Hills Drive at Crystal Hills Place and 75<sup>th</sup> Street. Exhibits: None. Action: Denial of requests.

9. Consider approving Change Order No. 2 for the SW Wendy Drive Street Reconstruction Project #2001-27 with Bruton Construction Co., Inc. Exhibits: Map.

Change Order No. 2 consists of 200 lf of SW Wolf Street adjacent to the area under construction, 40 additional contract days and a cost of approximately \$30,000. Shanklin asked if 40 additional days were needed to complete this project. Ihler said it is a reasonable amount of time as the contract requires complete acceptance, including curing of the concrete, and not partial acceptance.

MOVED by Shanklin, SECOND by Haywood, to approve Change Order No. 2 for this project as recommended. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

10. Consider entering into agreements with Great Plains Improvement Foundation (GPIF), Inc. and Northside Chamber of Commerce, Inc. to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2002 (July 1, 2002 thru June 30, 2003) and authorizing the Mayor and City Clerk to execute the agreements. Exhibits: None.

Haywood requested the item be considered separately so he could abstain from voting.

MOVED by Baxter, SECOND by Moeller, to approve as written. AYE: Shanklin, Moeller, Baxter, Bass, Hanna, Devine. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

11. Consider approving the following contract extensions: A) Tree Transplanting Service with Gleason Instant Tree Farm; B) Decontamination and Cleaning of Bunker Clothing with Fire Brigade Mfg., Inc.; C) Asphalt Crack Filler with SORCO Products, Inc. Exhibits: None. Action: Approval.

12. Consider awarding contract for Sprinkler System Parts. Exhibits: Recommendation; Abstract. Action: Award to Davis Pipe and Supply, Inc.

13. Consider approval of payroll for the period of September 30 through October 13, 2002.

14. Consider approval of Minutes of Lawton City Council Meeting of September 24, 2002.

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#### BUSINESS ITEMS:

15. Hold a public hearing and consider an ordinance amending the requirements for sight triangles. Exhibits: Ordinance No. 02-43; Drawing; Task Force Minutes; CPC Minutes.

Bob Bigham, Planning, said this was generated by the Mayor's Task Force. He explained the diagram in the agenda folder showing how sight triangles are currently measured and how this amendment would allow for measuring in a different manner in areas with larger than normal street right of way, such as in North Addition. He said on September 12, 2002, the Planning Commission held a public hearing and recommends approval of the amendment. Shanklin pointed out that he had requested this amendment for many years.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Baxter asked if this would cause any detriment to the area near 60th and Gore Boulevard regarding a shrub in the easement. Vincent stated it will not affect major streets and would not affect 60th and Gore.

(Title read aloud) Ordinance No. 02-43

An ordinance pertaining to zoning, amending Section 18-404.1A4, Article 4, Chapter 18, Lawton City Code, 1995, amending the provisions for sight triangles and providing for severability.

MOVED by Shanklin, SECOND by Hanna, to approve Ordinance No. 02-43. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

16. Hold public hearings and adopt resolutions declaring the structures at: 1614 NW Taylor Avenue, 2419 SW A Avenue, and 1007 NW Dearborn Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Resolution Nos. 02-184, 02-185 and 02-186.

1614 NW Taylor Avenue: Angie Alltizer, Neighborhood Services, stated the owner has applied for a demolition permit.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Moeller, to declare 1614 NW Taylor Avenue dilapidated and dangerous, causing a blight to the community, and to adopt Resolution No. 02-184. AYE: Haywood, Bass, Hanna, Devine, Shanklin, Moeller. NAY: None. OUT: Baxter. MOTION CARRIED.

(Title) Resolution No. 02-184

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. Location: 1614 NW Taylor Avenue, Lawton Heights Addition, Block 86, Lot 5, Comanche County, Lawton, Oklahoma. Title Holder: Thomas S. Strickland c/o Century 21 Clover Realty, 1902 NW Cache Road, Lawton, OK 73507-4520; Mortgage Holder: None.

2419 SW A Avenue: Alltizer stated this structure was damaged by fire and had since been properly secured upon notification to the owner. She said it is a blight on the neighborhood although there are no real problems at this property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Moeller, to declare 2419 SW A Avenue dilapidated and dangerous, causing a blight to the community, and to adopt Resolution No. 02-185. AYE: Bass, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: None. OUT: Baxter. MOTION CARRIED.

(Title) Resolution No. 02-185

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. Location: 2419 SW A Avenue, West Highland Addition, Block 3, Lots 21 & 22, Comanche County, Lawton, Oklahoma. Title Holder: Charles McGowan; Mortgage Holders: Allied Group Mtg; Marilyn J. Lair; Lawton First church of the Nazarene; Eastland Mtg Co.; Secretary of Veterans Affairs.

Alltizer stated a gentleman had arrived regarding the site of 2419 SW A Avenue and requested to speak.

Steve Livingston, representing First Church of the Nazarene, the legal owner of the property, said the property was donated to the church and they plan to sell it. He said the building is secure and he was not aware that it was on the list for demolition until he found a notice attached to the building; once the church was put on notice, efforts were completed immediately to get this property secured as the notice had required. Livingston asked if the City had to go through with the process saying that one condition had been met which was the general appearance condition. The structure is boarded up and secure; the church is trying to sell it and cannot get a building permit.

Vincent asked if title had been transferred to the church and Livingston said yes. Mayor Powell suggested that Livingston contact Alltizer and have her explain the options. In response to a question from Baxter, Alltizer read the list of owners and mortgage holders who had received notice of this hearing. The Clerk noted that a lien will be placed on the property on Friday and it would have to be resolved before the property could be financed for sale.

Devine asked for clarification as far as whether people can continue to work on these structures after the time has

run out. Vincent stated that once the City denies the permit, all work stops. Shanklin stated that he thought a property owner could go ahead and work on that property until we go to court. Vincent said a citation could be issued if the City catches anyone working on the property after time/permit has expired.

1007 NW Dearborn Avenue: Altizer said this structure is not in terrible condition, it looks sound, but complaints continue to be received regarding junk and debris. Considerable expense has been incurred in mowing and securing the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to declare 1007 NW Dearborn Avenue dilapidated and dangerous, causing a blight to the community, and to adopt Resolution No. 02-186. AYE: Shanklin, Moeller, Haywood, Bass, Hanna, Devine. NAY: None. OUT: Baxter. MOTION CARRIED.

(Title) Resolution No. 02-186

A resolution declaring a certain structure a dilapidated public nuisance, detrimental to the health, benefit, and welfare of the community; ordering the dilapidated structure be brought to habitable standards or demolished and removed; and authorizing the City Attorney to initiate legal action in Comanche County District Court to abate such nuisance. Location: 1007 NW Dearborn Avenue, North Addition, Block 12, Lot 9, Comanche County, Lawton, Oklahoma. Title Holder: Billy C. Jr. & Kimberly Whitten; Mortgage Holders: Security Bank & Trust; Mellow Mtg Co; WMC Mtg Corp; Woodland Hills.

Shanklin asked if the owners will be taken to District Court. Baker said a memo had been distributed regarding dilapidated structures, and if someone requests a remodeling permit, they will be required to bring the entire property up to code; regardless of the list, the owner must meet all current codes.

Shanklin said he had a problem with the idea of a list and felt it could be misleading to the property owner because they could incur tremendous costs, and once another inspection was done, the City could demand that other areas to be brought up to code. He said the owner should know the full extent of the cost and work before starting so they could make an informed decision on whether to remodel or to demolish. Shanklin said if the City provides a list, it should be followed.

Bass stated at the last meeting a discussion was agreed upon that the list was not allowed to be given. Altizer said she would rather not give a list because it sets the City up for liability but agreeing not that this list would not be a sound list and the property owner would be fully aware of this issue.

Mayor Powell said someone from the City who knows what must be done should have to personally visit with one of those people and inform them. Shanklin said he felt the City was going to make some people mad if they think they are going to be in compliance and then they are not.

Bass asked who would be providing the property owner a list, stating in the past, we have let property owners give us a list, and then sometime later to find the list was not complete, and it should not work that way. Shanklin said that is just what happened on the one on Gore with the accessory building, and to get an occupancy permit, he has to get parking and have 75% of this done in the first 30 days.

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17. Consider granting a 30-day extension to the reconstruction permit for 2309 NW Lindy Avenue and 804 1/2 W Gore Boulevard. Exhibits: None.

2309 Lindy Avenue: Altizer said this was first brought before Council at its special meeting of August 12, 2002. She said the property owner's agent has made significant improvements and requested approval of the extension.

MOVED by Bass, SECOND by Moeller, to approve the request of the 30-day extension to the reconstruction permit for 2309 NW Lindy Avenue. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

804-1/2 West Gore: Altizer recommended denial of the final extension because a substantial amount of progress has not been completed. Mayor Powell asked if staff had contacted the owner. Altizer said this was a tough incident, she had discussed it with the City Manager, she knew the owner personally and would like to see consideration given on this, but realized it would not be adhering to the code.

Shanklin said the owner would have been present if he was interested and asked what the next step would be if this extension is denied. Altizer said it would go to District Court.

MOVED by Shanklin, SECOND by Hanna, to deny the request for a 30-day extension to the reconstruction permit at 804-1/2 West Gore, the two-story accessory structure adjacent to the alley.

Bass asked if the owner would be taken to court if he did not comply at the end of the 30 days. Vincent said this structure has already been condemned so if the structure is not demolished within the allowed time, his office would be notified and they would proceed to District Court. Shanklin said this is only shortening that process by

30 days and it would be quite some time before it goes before a judge.

Discussion was held on the requirement that an owner complete 75% of the work within the first 30 days and an item will be returned to allow that to be changed as most would not be able to meet it.

VOTE ON MOTION: AYE: Haywood, Baxter, Bass, Hanna, Shanklin, Moeller. NAY: None. OUT: Devine. MOTION CARRIED.

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18. Request Council direction concerning the transfer (pumping) of Waurika Reservoir water to Lake Ellsworth and consider approval of Council Policy No. 10-4. Exhibits: Drawings of dam and elevations; Waurika Reservoir pumping options; Proposed Council Policy No. 10-4; Engineering Division Memo.

Jerry Ihler, Public Works Director, reviewed background information which is inserted as follows: Within recent months both the Parks and Recreation and Public Works Departments had received calls concerning low lake elevations at Lake Ellsworth and requested that something be done to increase the lake elevation. The City has a procedure specified in Council Policy 10-2 for the transfer (pumping) of water from Lake Ellsworth to Lake Lawtonka in order to insure a viable water supply in Lake Lawtonka and in order to achieve optimum use of the City's Vested Water Rights; however, there is not a policy concerning the transfer of water from Waurika Reservoir to Lake Ellsworth.

During the fiscal year 2001-2002, the Lake Ellsworth watershed received below normal rainfall (only approximately 13"), pumping from Lake Ellsworth to Lake Lawtonka was necessary during 9 months of that period and the lake elevation declined approximately 4.5 feet during the same 12 month period to an elevation of 1228' which is approximately 7 feet below the top of the water storage gates. On October 1, 2002, the elevation of Lake Ellsworth was 1224.63, approximately 10.4 feet below the top of the water storage gates. If the elevation of Lake Ellsworth is allowed to get too low (elevation 1215), pumping from Lake Ellsworth to Lake Lawtonka is not possible because of pump cavitation.

Overhead slides were presented showing the Engineering Division's recommendation to consider pumping from Waurika Reservoir to lake Ellsworth during periods of low or no rainfall in order to insure that adequate water is available in Lake Ellsworth for transfer to Lake Lawtonka.

The following options assume a no rainfall period beginning November 1, 2002: 1.) No pumping from Waurika Reservoir to Lake Ellsworth (do nothing option), pumping from Lake Ellsworth to Lake Lawtonka could continue for approximately 8 months before Lake Ellsworth would reach elevation 1215 and pumping stopped. 2.) If pumping from Waurika Reservoir to Lake Ellsworth started on March 1, 2003 (approx. elev. 1220), pumping from Lake Ellsworth to Lake Lawtonka could continue for approximately 16 months from that date before Lake Ellsworth would reach elevation 1215 and pumping stopped. 3.) If pumping from Waurika Reservoir to Lake Ellsworth started on December 1, 2002 (approx. elev 1222.5), pumping from Lake Ellsworth to Lake Lawtonka could continue for approximately 24 months from that date before Lake Ellsworth would reach elevation 1215 and pumping stopped. 4.) If pumping from Waurika Reservoir to Lake Ellsworth started on November 1, 2002 (approx. elev. 1224), pumping from Lake Ellsworth to Lake Lawtonka could continue for approximately 30 months from that date before Lake Ellsworth would reach elevation 1215 and pumping stopped.

The pumping of water from Waurika Reservoir to Lake Ellsworth also helps protect our water rights to Waurika Reservoir water. If we do not use this water, the City of Lawton's water rights could be subject to review by the Oklahoma Water Resources Board. The cost of pumping water from Waurika Reservoir is estimated to be approximately \$4,600 per day during peak summer demand usage (June through September). If pumping was necessary for a 30 day period during peak summer demand, this would amount to a monthly charge of approximately \$4.25 based upon present average usage and current billing procedures according to estimates from Revenue Services Division.

The cost of pumping water from Waurika Reservoir is estimated to be approximately \$1,900 per day during non-peak demand usage (October through May). If pumping was necessary for a 30 day period during non-peak demand, this would amount to a monthly charge of approximately \$1.75 based upon present average usage and current billing procedures according to estimates from Revenue Services.

In June, 2002, when the elevation of Lake Ellsworth hit 1228, it was determined that if pumping would commence at a Lake Ellsworth elevation of 1225, it was estimated that would occur during September of this year and it appears that estimation was correct (Lake Ellsworth hit elevation 1225 on September 22, 2002). If we receive our normal fall rainfall, the lake elevation should recover above the 1225 elevation and pumping could be suspended unless the lake elevation again went down to 1225.

It should be noted that staff is working with the Waurika Master Conservancy District and PSO to operate the Waurika to Ellsworth Pumping System for a one week pilot program beginning October 21, 2002, and ending October 28, 2002. Should Council decide to implement the pumping policy at elevation 1225 and the elevation of

Ellsworth was such that it was necessary to begin pumping operations, the program could not start until October 21, 2002, because there are a few maintenance items with the Lawton Re-Lift Pump Station which currently are being addressed by the Waurika Master Conservancy District in order to be ready for the October 21<sup>st</sup> pilot start up date.

Mayor Powell asked how many gallons could be pumped per day and Ihler said 25 mgd from Waurika to Ellsworth if all four pumps were running. Approximately 21 mgd is pumped from Ellsworth to Lawtonka during the peak pumping season. Mayor Powell asked when the pumping would stop. Ihler stated the cut off would be just like the elevation set at Ellsworth at this time. If the elevation reached its cutoff point, the pumps would stop. Ihler said that pumping from Waurika to Ellsworth, if no reasonable amount of rain is received, is not going to raise the lake elevation at Ellsworth, it is just going to slow down the lowering of Ellsworth and will allow the City to pump to Lawtonka for a greater period of time. Shanklin asked if the City will be pumping into Lake Ellsworth 25 mgd from Waurika while at the same time, pump 21 mgd from Ellsworth to Lawtonka, and if by doing this, would that also take care of the evaporation during the winter months. Ihler said this would be the process.

MOVED by Shanklin SECOND by Moeller, to adopt a policy to begin the pumping process from Waurika Reservoir to Lake Ellsworth.

Devine asked if the city measures the water by acre feet and if the measurement shows how much is lost to silt. Ihler said as the bottom comes up, your volume of storage would be less. Engineering did some surveying using sonogram to determine the bottom of the lake and it revealed that up on the very north end, the Chandler Creek bottom is filled in, but the lake did not show any siltation. Devine said the reason he was concerned is near Cache Creek, it appears it has not been down all year and our dam there must be at dam elevation. Ihler remarked there must be a blockage that does not allow it to flow properly.

Baxter said the minimum pumping elevation is 1215' and staff is recommending we start pumping at 1225'. Ihler said at this level, the pumps would no longer be able to operate without being damaged so the staff is recommending that when Ellsworth gets at 1225' to begin pumping from Waurika to Ellsworth to keep the water from getting to 1215' feet at Ellsworth. Baxter said we are already there, now at 12.6' down and he would like to see the difference split in the proposed elevations and start pumping at 1220'.

SUBSTITUTE MOTION by Baxter, to set the pumping elevation at Lake Ellsworth to 1220' to begin pumping from Waurika Reservoir, rather than 1225'. Substitute Motion died for lack of a second.

VOTE ON MOTION: AYE: Bass, Hanna, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Devine. MOTION CARRIED.

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19. Seek Council direction on the practice of entering into individual outside fire protection contracts. Exhibits: None.

Fire Chief Bart Hadley said this was previously discussed by Council; there are currently 52 contracts for fire protection outside the City limits and several more are pending. This item seeks direction as to whether this service should be continued. All current contracts contain a clause to allow for cancellation upon ten days' notice by either party, and that the City will only respond if units are available.

Devine asked if this was punishment regarding a recent annexation matter. Mayor Powell said it had been discussed long before that. Hadley said units would still respond through mutual aid agreements with surrounding departments and that all areas of the county are covered by those departments.

Shanklin said this is not punishment; some of the county roads are in terrible shape and the City's fire trucks, which can cost \$283,000, are being placed in jeopardy due to traveling those roads. He suggested Chief Hadley could determine which roads could accommodate the fire trucks and only allow contracts for those areas. Hadley said there are volunteer fire departments that serve every area in the county and Lawton assists them when called and when possible.

MOVED by Shanklin, SECOND by Baxter, to cancel all outside fire contracts within the next ten days.

Hadley said the City of Lawton will continue to assist other fire departments outside the city limits and he didn't want these residents outside the city limits thinking that we would not assist.

VOTE ON MOTION: AYE: Bass, Hanna, Shanklin, Moeller, Haywood, Baxter. NAY: Devine. MOTION CARRIED.

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20. Briefing on staffing levels at Police Department.

Harold Thorne, Chief of Police, gave a presentation with overhead slides. He said the current staffing level allows for up to six officer assigned at the Airport, six officers assigned at the lake areas, as many as three officers were

called to active duty with a military installation, presently only one officer is in military activation. Two officers are now assigned at the Airport. Seven officers hired recently are presently attending the basic academy. These numbers equate to ten officers currently out of our work force at this time. A letter from the police union was presented stating their concerns over the current staffing level.

The Police department is divided up in zones, each zone being assigned a number of officers to cover the area. Some potential areas require more officers, while others may not need as heavy of coverage. At one time seven patrol districts were assigned in the city limits, it was increased to 12, and now has been lowered to accommodate the current staffing levels. Several officers cover more than one area in a zone in the case of illness. Overtime is used in many instances to maintain a sufficient shift staffing level or the adjoining district will pick up the vacant area during that shift. These numbers only cover the patrol division and not the detective division.

Thorne presented a chart showing that the number of calls have increased, but the detective division has not increased. On average, this division works 1.4 cases per day. These cases do not end at the close of the business day and have to be carried over until their completion and then the next day, more cases are added. The Police Department has virtually become reactive to crime and not proactive.

Within the state of Oklahoma, Lawton has one of the lowest crime rates. We are doing fairly well with the staffing number, but have no room for improvements. The next slide shows the different activity levels noting that the calls have increased. Offenses have also increased, while citations have varied. Our officers are focused on crime, so therefore, do not have a lot of free time to issuing of citations.

Shanklin asked if Lawton's population is around 80,000, not counting at Fort Sill. Thorne responded that the population numbers of military towns fluctuate because the military activation functions at different times. Part of the geographics is adapted since we are considered to be a military town. There are people who pray on military towns.

The slide's data goes back to 1998. More detail was included in the budget preparation in 1993 and 1994. The 1987-88 budget year had the Acting Chief, three majors and eight captains. Over the years, the department has cut the upper branches to shore up the numbers needed for the street. In 1990, there were 148 officers, some of the number areas was shifted from one area to another.

Chief Thorne said he realized the state of the budget so he would not recommend changes. He was asked to provide this information which will be considered for the future budgets. The final slide showed current programs that are ongoing; eighteen officers would be needed to cover all of these areas. Crime Prevention has taken a backseat due to the shortage of manpower, which has been reassigned to work patrol. Even though officers are hired, up to nine people are in training. One officer is assigned at the lake ranger office, two officers are assigned at the peak season. The motorcycle unit had one officer promoted and the position has not been filled. Two of the four dogs were taken out of service due to health reasons. The Project 21, Weed and Seed and Highway Safety are overtime assignments that are reimbursed by grants.

Hanna asked how many officers will be lost by the end of the calendar year and whether that has been taken into consideration as to how many officers are needed. Thorne said one officer is scheduled to retire in January and another in July, an officer is needed to replace his position, and two others are needed to fill vacancies from retirement. Thorne said a newly hired officer is in training for six months before he is ready to be placed on the street and three officers will be needed between now and the end of the year to fill vacancies. The department needs 18 officers but would be happy with 3 to fill the upcoming vacancies.

Chief Thorne stated that he had been looking into some other programs that could provide assistance during this time of need. One program would be a reserve officer program; many officers who are retired would be willing to donate their time. The City would be required to provide workers compensation coverage and equipment, but the cost would be minimal. This program could benefit our current officers by placing two men in one unit as has been recommended by Council. A reserve officer would not be allowed to operate alone.

Baker asked that an explanation be given about the call priority list when a citizen makes a complaint because he had received calls about complaints not being given priority. Thorne said calls come in with such frequency that a priority list had to be established and followed. If the caller describes the situation as a "routine-lesser priority" matter then this call is placed on the list and the first available officer responds to this call. Routine calls are considered to be calls where a crime has been committed, but the suspect is not on the scene, an officer would respond to this type call later if they had a call that required immediate response, ie. fight, domestic disturbance, robbery, things like that, have to be taken first on a priority basis. Sometimes other calls may have to hold for a while, but they are handled as soon as possible.

Hanna asked the cost of training new officers to put them on the street. Mayor Powell asked Baker to provide that information at a later time.

Baxter stated this item is written as being for discussion and review only. He said while he was in City Hall he overheard discussion about an employee hiring freeze in an effort to save money in the current budget so it would be hard to believe that a hiring freeze would be implemented and more officers hired. Baker said he agreed more police officers are needed, but did not see how hiring could be done within this budget. It was the intent of Council to just have a briefing on the situation.

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21. Discuss a letter from the Mayor's Clean-Up Task Force and provide direction to staff. Exhibits: Letter.

Mayor Powell said the task force is concerned about cleaning up Lawton and they are requesting support. Baxter said he felt Council had been working in that effort. Shanklin stated some fine tuning is still needed in our process, but that we were getting there. He was opposed to the dual standard setting the task force felt was being permitted and said the task force is concerned more with commercial property than with private matters. Commercial properties need to be targeted just as private properties and unless the owners are forced to clean up their property, they will never do it and they are not held to the same code as private individuals, which creates a dual standard. He said he supported comments in the letter.

Mayor Powell said due to community efforts, the area on 2<sup>nd</sup> Street from Ferris to downtown is the most improved area in town. He said this task force has the availability of grant funding that is not available to the City of Lawton. Mayor Powell suggested that the task force be allowed to continue with their mission, and to let them use their peer tactics in a gentle manner to deal with these businesses to have them bring their property up to standard. Shanklin said the nice tactic does not always work and some must be forced to take care of their property. Shanklin said he was concerned that the City's hands are tied with regard to these businesses while the task force is attempting to deal with them and said we have to stop letting people put their stuff off for an unlimited amount of days.

Baxter said he would prefer that the City be able to provide to direction to the task force in their efforts and suggested that Alltizer start researching and bringing some of these commercial properties and signs on interstate up for council's review.

Mayor Powell said this task force is very serious and they asked to have this item placed on the agenda tonight. They have written a mission statement and have objectives to move ahead with their vision. Free money is out there available to them, so let's give them the opportunity to move on this. Their concern is to know if the City Council is going to support them.

Hanna said he supported Shanklin but requested more support through our court system. He said the City continues to condemn these properties, but if there is no backing through the court system, the efforts have all been done for nothing. Shanklin said it was up to the Council to make sure the Judge does everything in a very prudent and quick manner, not to be put off for another 90 days or such.

Mitchell said the neighborhood pilot program with utility companies has started. They surveyed 1,052 accounts, identified 296 violations, and sent letters asking the owners to voluntarily clean up their property. Fifty-six percent have done so; door knockers will be placed on 130 locations and hopefully in another month that number will be reduced by half. The City is getting a very favorable report on this matter.

Mayor Powell said there is more manicuring taking place right now, than ever before. This task force only needs a positive affirmation of support from the City of Lawton.

Haywood remarked he also supports this task force saying that he and several others meet each morning for their three-mile walk. They notice on a daily basis improvements being made to properties.

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22. Consider approving Council Policy No. 1-8 establishing a commercial advertising policy on real or personal property owned or controlled by the City. Exhibits: Draft Council Policy No. 1-8.

Deborah Jones, Planning, said the City has shown an interest in commercial advertising and the first step is to determine what type of ads Council would like to be placed on its real property. The City Attorney's office has researched this subject and provided a draft policy proposing three alternatives. The proposed policy is to allow commercial speech, which allows advertisement of any legitimate product or service. She said it is important to note the public's legitimate concerns of desirable and tasteful advertisement. Adopting this policy would preclude religious, charitable and political purposes, and various other companies/organizations for which is unlawful to advertise, such as tobacco. Jones said once the Council selects an alternative, the Transit Trust would consider an item to adopt the same alternative, and it could be done by other trusts, and for parks or ball fields.

Mayor Powell asked who would approve these advertisements. Vincent said bench advertising in the transit area is driving this item now, and once an option is selected, a RFP would be prepared to comply with the policy. He said the selected vendor would have to comply with the policy and the advertising could not be illegal, as certain products cannot be advertised under state and federal law. If it is a commercial product that is not otherwise prohibited, the advertiser could advertise it anywhere in the city.



Jones said if the Trust chose to advertise in the way of a bus wrap, an advertisement on material that goes around the bus, the Trust would contract with a vendor and receive rent. The vendor must abide by the City's policy, and if it is violated, the vendor would be notified and cause that advertisement to be removed. She said some complaints could be received regarding the items being advertised. Vincent said the City is guided by the first amendment and we cannot decide what is a legal advertisement at this time. Oklahoma City just got named in lawsuit over this very matter.

Devine asked if action was to be taken on this matter. Vincent said they are asking to adopt a policy that is very broad in scope. Devine said he didn't feel the City needed this at this time. Mayor Powell suggested it be tabled and a committee may need to be appointed to review the issues at hand. Shanklin said they should not allow fear of lawsuits or complaints to stop the business from being done. Bass asked Shanklin's perspective of permitting all advertising not prohibited by law and asked what is the difference in this aspect and commercial speech. Vincent said all advertising would include religious, political or non-profit advertising, and there may be disagreement on that status. Commercial speech is where an actual product or service has to be advertised and it narrows the scope. Baxter said some labels are not allowed to be publicly advertised, such as Smirnoff Vodka, these types of ads cannot be placed on a billboard or a bench, but a Coors Light ad would be legal but may be offensive to some people.

MOVED by Shanklin, SECOND by Bass, to adopt the Council Policy establishing an advertising policy on real or personal property owned or controlled by the City. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. ABSTAIN: Hanna. MOTION CARRIED.

Shanklin asked if reducing the bus fare to 25 cents would increase the ridership, noting that the number of riders seems to have dropped since the initial period of free rides. He asked what the average daily passenger number was at this time. Jones responded approximately 600 each day, and the number of riders during the free month was substantially higher than that, but numbers seem to be increasing each week.

Shanklin offered a motion to drop the fare to twenty-five cents per trip, which died for lack of a second. Shanklin asked why it was suggested to put the money at the Fort Sill National Bank. Jones said the City had been asked by the exchange system if they could sell passes in the PX for LATS and it would be a convenience to use that bank initially and then move the money to the daily account in town.

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23. Consider adopting a resolution repealing Resolution No. 99-44 and increase the Lawton taxicab companies fares for all zones by \$1.00 and reinstate the \$1.50 fare for each additional person for the double cross zone, and establishing an effective date of December 1, 2002. Exhibits: Requests from three local cab companies; Requests from Fort Sill to increase fees; Rate Cards; Resolution No. 02-187.

MOVED by Shanklin, SECOND by Baxter, to approve Resolution No. 02-187 increasing the Lawton taxicab fares as requested.

Vincent noted an error in the Resolution regarding a previous resolution number; this will be corrected prior to signing of this resolution.

VOTE ON MOTION: AYE: Bass, Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-187

A resolution approving the increase the Lawton taxicab companies fares for all zones by \$1.00 and reinstate the \$1.50 fare for each additional person for the double cross zone, repealing Resolution No. 99-44, and establishing an effective date of December 1, 2002.

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24. Consider adopting an ordinance amending Section 7, Chapter 19, Lawton City Code, 1995, by adding a new section pertaining to use of certain sports complexes (McMahon, Ahlschlager, Grandview and Eastside) creating Section 704, Article 7, Chapter 19, Lawton City Code, 1995, providing for codification, severability, and declaring an emergency. Exh: Ordinance No. 02-44.

Kim Shahan, Parks and Recreation Director, said these fields are reserved in advance for various functions which require special preparation and maintenance. Problems arise when persons use the specially prepared fields without reservations. This ordinance will allow signs to be posted as to field assignments and would inform the public that the fields are not to be used for unscheduled activities. The public will be able to use the playgrounds and this is only pertaining to the actual sports fields. As these complexes are improved, there will be a need to have a better handle on manning these areas.

Moeller asked if anything was posted on the fields notifying the public they must first contact the Parks department before utilizing a field. Shahan said this ordinance would allow posting of such notice.

MOVED by Bass, SECOND by Hanna. to approve Ordinance No. 02-44, amending the Code pertaining to use of certain sports complexes.

(Title read aloud) Ordinance No. 02-44

An ordinance pertaining to use of sports complexes, creating Section 704, Article 7, Chapter 19, Lawton City Code, 1995, providing for codification, severability, and declaring an emergency.

AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

Shahan said by the end of 2003, there will be close to \$500,000 worth of improvements this year alone in McMahon Park through the 1995 CIP allocations and various grants. The public needs to be aware of these management regulations in an effort to be able to maintain and protect the City's investment.

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REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood expressed condolences at the passing of long time residents Mrs. Lewis and Mrs. Jefferson. He thanked Public Works for their efforts and for going the extra mile.

Shanklin said citations issued by Neighborhood Services should be tracked through the judicial system and a record made as to what took place on each incident. Baker said that has begun.

Baker said he appointed a committee to suggest ways to decrease expenses due to budget shortfalls, and a report will be given at the October 22 meeting. He said he has placed a hold on all capital outlay purchases and out of state travel until further notice; Public Works and Parks and Recreation are to discontinue the concrete restoration and mowing being done by outside contractors. A hiring freeze will be implemented tomorrow. Baker said a memo was distributed regarding the sales tax figures, which appear fairly average and not as bad as originally anticipated, but there is still a serious budget shortfall.

Moeller asked Council to review the citations of the animal welfare division saying that citations are being written and then later dismissed at the court level.

Mayor Powell said a Governor's candidate forum will be held in the morning at 7 a.m. at the Cameron Fine Arts Building. He said he met with Chamber officials, community business leaders who are discussing a discount to go in this big campaign to be better than Texas; it is a BUY LAWTON SANTA SHOPS LAWTON campaign. Mayor Powell said he will report back when the rest of the details are available.

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.